

# 470 88-101-SPH PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and or Deputy Zoning Commissioner should approve an amendment to Final Development Plan of Anton Woods to allow conveyance of part of Lot 13 to an off site property owner for a planting strip.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County, adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Legal Owner(s):

Signature

Address

City and State

Attorney for Petitioner:

Signature

Address

City and State

Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of July, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of September, 1987, at 11:30 a.m.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Mr. Sewell Shuger  
3700 Shuger Hill Road  
Pikesville, Maryland 21208

17 W. Chesapeake Avenue  
Towson, Maryland 21204

3700 Shuger Hill Road  
Pikesville, Maryland 21208

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Pikesville, Maryland 21208

3700 Shuger Hill Road  
Pikesville, Maryland 21208

## W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

April 10, 1987

DESCRIPTION TO ACCOMPANY SPECIAL HEARING  
TO AMEND FINAL DEVELOPMENT PLAN OF ANTON WOODS

Beginning for the same at a point on the western right of way line of Michelle Way 50 feet wide, 1276 feet from the centerline intersection of Park Heights Avenue and Michelle Way, thence binding on Michelle Way by a curve to the right having a radius of 376.66 feet and an arc length of 246.56 feet being subtended by a chord bearing North 17 degrees 24 minutes 51 seconds East 242.18 feet; thence still binding on said right of way line North 36 degrees 10 minutes 00 seconds East 317.22 feet; thence leaving said right of way, South 57 degrees 56 minutes 29 seconds East 73.39 feet; thence South 43 degrees 09 minutes 54 seconds West 301.00 feet; thence South 11 degrees 06 minutes 19 seconds West 219.34 feet; thence South 79 degrees 40 minutes 00 seconds West 74.91 feet to the point of beginning.

Containing 0.7493 Acres of land, more or less.

530 East Joppa Road / Towson, Maryland 21204 / (301) 583-9571

## PETITION FOR SPECIAL HEARING

3rd Election District - 2nd Councilmanic District

Case No. 88-101-SPH

LOCATION: East Side Michelle Way, 1276 feet North of Centerline of Park Heights Avenue

DATE AND TIME: Wednesday, September 2, 1987, at 11:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve an amendment to Final Development Plan of Anton Woods to permit conveyance of part of Lot 10 to an off site property owner for a planting strip

Being the property of Benjamin H. Blum, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

J. ROBERT HAINES  
ZONING COMMISSIONER

August 25, 1987

Mr. Sewell Shuger  
3700 Shuger Hill Road  
Pikesville, Maryland 21208

RE: PETITION FOR SPECIAL HEARING  
E/S Michelle Way, 1276' N of c/l of Park Heights Ave.  
3rd Election District - 2nd Councilmanic District  
Benjamin H. Blum - Petitioner  
Case No. 88-101-SPH

Dear Mr. Shuger:

This is to advise you that \$76.35 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property; from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,  
J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner

JRH:med

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 37876

DATE: 8/25/87 ACCOUNT: 88-101-SPH

AMOUNT: \$ 76.35

PAID TO: Mr. Sewell Shuger, 3700 Shuger Hill Rd., Pikesville, MD, 21208

FOR: ANY OTHER FEE OR POSTING COSTS OF CASE 88-101-SPH

8807\*\*\*\*\*76352 8/25/87

VALIDATION OR SIGNATURE OF CASHIER

## LEGAL NOTICE

PETITION FOR SPECIAL HEARING  
3rd Election District  
2nd Councilmanic District  
Case No. 88-101-SPH

LOCATION: East Side Michelle Way, 1276 feet North of Centerline of Park Heights Avenue

DATE AND TIME: Wednesday, September 2, 1987 at 11:30 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve an amendment to Final Development Plan of Anton Woods to permit conveyance of part of Lot 10 to an off site property owner for a planting strip

Being the property of Benjamin H. Blum, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

## CERTIFICATE OF PUBLICATION

Aug. 12, 1987 #90697

Pikesville, Md., Aug. 12, 1987

I CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 2nd day of Sept. 1987

the first publication appearing on the 12th day of Aug. 1987

the second publication appearing on the 19th day of Aug. 1987

the third publication appearing on the 19th day of Aug. 1987

THE NORTHWEST STAR

Manager

Cost of Advertisement \$25.60

Mr. Sewell Shuger  
3700 Shuger Hill Road  
Pikesville, Maryland 21208

August 3, 1987

## NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING  
E/S Michelle Way, 1276' N of c/l of Park Heights Ave.  
3rd Election District - 2nd Councilmanic District  
Benjamin H. Blum - Petitioner  
Case No. 88-101-SPH

TIME: 11:30 a.m.

DATE: Wednesday, September 2, 1987

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

AL:med

cc: Mr. Benjamin H. Blum  
17 Warren Road  
Pikesville, Maryland 21

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 36084

DATE: 8/12/87 ACCOUNT: 88-101-SPH

AMOUNT: \$ 100.00

PAID TO: Sewell Shuger

FOR: Final Development Plan of Anton Woods to permit conveyance of part of Lot 10 to an off site property owner for a planting strip

8807\*\*\*\*\*10000 8/12/87

VALIDATION OR SIGNATURE OF CASHIER

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd Date of Posting: August 14, 1987

Posted for: Special Hearing

Petitioner: Benjamin H. Blum

Location of property: E/S Michelle Way, 1276' N of c/l of Park Heights Ave.

Location of Sign: E/S Michelle Way, 1276' N of c/l of Park Heights Ave.

Remarks: property

Posted by: J. Robert Haines

Number of Signs: 1 Date of return: August 24, 1987

Case No. 88-101-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 20th day of July, 1987.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Benjamin H. Blum

Petitioner's Attorney: J. Robert Haines

Received by: J. Robert Haines  
Chairman, Zoning Plans Advisory Committee

## CERTIFICATE OF PUBLICATION

TOWSON, MD., August 13, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on August 13, 1987

THE JEFFERSONIAN,

Editor

Editor

Editor

Editor

Editor

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Editor

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER  
E/S Michelle Way, 1276' N of  
C/L of Park Hgts. Ave., : OF BALTIMORE COUNTY  
3rd Election District  
BENJAMIN H. BLUM, Petitioner : Case No. 88-101-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 14th day of August, 1987, a copy of the foregoing Entry of Appearance was mailed to Benjamin H. Blum, 17 Warren Rd., Pikesville, MD 21208, Petitioner; and Sewell Shuger, 3700 Shuger Hill Rd., Pikesville, MD 21208, Contract Purchaser.

*Peter Max Zimmerman*  
Peter Max Zimmerman

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
E/S Michelle Way, 1276' N of \* ZONING COMMISSIONER  
the c/l of Park Heights Ave. \*  
3rd Election District \* OF BALTIMORE COUNTY  
2nd Councilmanic District \*  
Benjamin H. Blum \* Case No. 88-101-SPH  
Petitioner \*

The Petitioner herein requests a special hearing to approve an amendment to the Final Development Plan of Anton Woods to allow the conveyance of part of Lot 10 to an offsite property owner for use as a planting strip.

Sewell Shuger, Contract Purchaser, and Harvey T. Litofsky, M.D. appeared and testified on behalf of the Petitioner. Leroy Shuger and Michael Exler, M.D. appeared and testified as Protestants.

Benjamin H. Blum, Legal Owner who signed the Petition subsequent to filing the Petition, transferred his interest in the subject property to Dr. Litofsky. The record reflected the change in ownership. Dr. Litofsky testified that at the time he contracted for Lot 10 in Anton Woods, he was advised of the potential transfer of property and amendment of the site plan. The portion of Lot 10 which would be transferred to an offsite property owner, Sewell Shuger, is most clearly set forth in Petitioner's Exhibit 2. Dr. Litofsky and Sewell Shuger testified the reason for the request for conveyance is that due to its location and configuration, the strip of land, which is the subject of this hearing, would most naturally be maintained by Sewell Shuger. The panhandle portion of Lot 10 was created by the construction of Michelle Way, which provides access to Lots 1 through 11 of Anton Woods. The strip would appear to be part of Sewell Shuger's property rather than Lot 10. Testimony indicated that the condition of the strip has deteriorated during the construction of Anton Woods and presently is an eyesore. Sewell Shuger testified he intended to buy the property to insure its maintenance and beauty. He further testified he intends to plant white

pine trees. At the hearing the Commissioner requested that Sewell Shuger provide a brief summary and drawing of what planting would be done by him. On September 15, 1987 the Zoning Office received a letter dated September 11, 1987 from Sewell Shuger with the requested drawing. A copy of his letter and drawing were forwarded to the Protestants. At the hearing Sewell Shuger testified that as long as he owned the property he would not build on it.

Dr. Exler testified he had no objection to an amendment of the site plan as long as Sewell Shuger did not intend to use the property for anything other than a planting strip. He testified he would benefit if Sewell Shuger improved the condition of the property as his house fronts the property. He agreed that the present condition of the property is an eyesore.

Based upon the testimony and the exhibits presented on this matter, the relief requested in the Petition for Special Hearing should be granted. It is clear from the testimony that if the request for an amended site plan was granted, the amendment as proposed would not be contrary to the spirit of the Baltimore County Zoning Regulations (BCZR) and would not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of property, and public hearing held on this case and after due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the requested special hearing would be in strict harmony with the spirit and intent of the (BCZR) and would not be detrimental to the health, safety and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 13th day of October, 1987 that an amendment to the Final Development Plan of Anton Woods to allow the conveyance of part of Lot 10 to an offsite property owner for use as a planting strip, be approved, and as such, the petition for Special Hearing is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING  
LAW  
10/13/87  
By *Keith J. Johnson*

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) As long as the Contract Purchaser owns the portion of Lot 10 subject to this proceeding, the property shall not be used for anything other than a planting strip.
- 3) The Contract Purchaser shall landscape the property at least to the extent set forth in the enclosure to the letter dated September 11, 1987 from Sewell Shuger, copy of which shall be kept in the case file.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

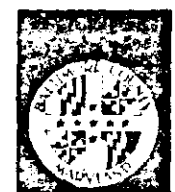
JRH:bjs

ORDER RECEIVED FOR FILING  
LAW  
10/13/87  
By *Keith J. Johnson*

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

October 13, 1987



Dennis F. Rasmussen  
County Executive

Mr. Benjamin H. Blum  
17 Warren Road  
Pikesville, Maryland 21208

RE: Petition for Special Hearing  
E/S Michelle Way, 1276' N of the c/l of Park Heights Avenue  
3rd Election District, 2nd Councilmanic District  
Case No. 88-101-SPH

Dear Mr. Blum:

Pursuant to the recent hearing held on the subject case, enclosed please find a copy of the decision rendered. Your Petition for Special Hearing has been Granted, subject to the conditions noted in the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:bjs

Enclosures

cc: Mr. Sewell Shuger  
3700 Shuger Hill Road, Pikesville, Md. 21208

Mr. Leroy W. Shuger  
3710 Shuger Hill Road, Pikesville, Md. 21208

Dr. Michael Exler  
3614 Michelle Way, Pikesville, Md. 21208

People's Counsel

File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines, Zoning Commissioner  
TO: Zoning Administration

Date: AUGUST 20, 1987

Norman E. Gerber, AICP  
FROM: Director of Planning and Zoning

SUBJECT: Zoning Petition 88-101-SPH

There are no comprehensive planning factors requiring comment on this petition.

*Norman E. Gerber*  
Norman E. Gerber, AICP  
Director

NEG:KAK:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel  
File

RECEIVED  
AUG 27 1987  
ZONING OFFICE

CPS-008

Baltimore County  
Fire Department  
Towson, Maryland 21204 2386  
494-4500

Paul H. Renneke  
Chief

May 28, 1987

Mr. Arnold Jablon  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204



Dennis F. Rasmussen  
County Executive

Re: Property Owner: Benjamin H. Blum

Location: E/S Michelle Way, 1276' N centerline Park Heights Avenue

Item No.: 470 Zoning Agenda: 5/26/87

Gentlemen:

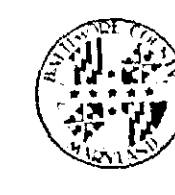
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Kelly*  
Special Inspection Division

Noted and  
Approved: *John F. O'Neill*  
Fire Prevention Bureau

/s/



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

*Richard Moore*  
C. Richard Moore  
Acting Director

June 10, 1987

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 469, 471, 474, 475, 476, 480, 481, 483, 470, 472, and 479.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate II

MSF:lt



## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

August 25, 1987

September 28, 1987

Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Mr. Benjamin H. Blum  
17 Warren Road  
Pikesville, Maryland 21208

RE: Item No. 470 - Case No. 88-101-SPH  
Petitioner: Benjamin H. Blum  
Petition for Special Hearing

Dear Mr. Blum:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Inc.

JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:bjs

Enclosures

cc: Mr. Sewell Shuger  
3700 Shuger Hill Road  
Pikesville, Maryland 21208

File

Mr. Leroy W. Shuger  
3710 Shuger Hill Road  
Pikesville, Maryland 21208

Mr. Michael Exler  
5514 Michelle Way  
Pikesville, Maryland 21209

RE: Petition for Special Hearing - Case No. 88-101-SPH  
E/S Michelle Way, 1276' N of c/l of Park Heights Avenue  
3rd Election District; 2nd Councilmanic District  
Benjamin H. Blum - Petitioner

Dear Messrs. Shuger and Exler:

Enclosed for your review is a copy of a letter dated September 11, 1987, with a plat of the above-referenced property, from Mr. Sewell Shuger. If you have any comments you wish to submit for my consideration prior to the issuance of a written decision, please do so within ten (10) days of the date of this letter.

Thank you for your consideration in this matter and if you have any questions on the subject, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:bjs

cc: Mr. Benjamin H. Blum  
17 Warren Road  
Pikesville, Maryland 21208

Mr. Sewell Shuger  
3700 Shuger Hill Road  
Pikesville, Maryland 21208

File

SEWELL SHUGER

3700 SHUGERHILL ROAD PIKESVILLE, MARYLAND 21208

September 11, 1987

Mr. J.P. Robert Haines  
Zoning Commissioner  
Baltimore County  
111 W. Chesapeake Ave. 21204

Subject: Petition for Special Hearing  
Case No. 88-101-SPH

RECEIVED  
SEP 15 1987

ZONING OFFICE

Dear Sir,

I am writing to you in reference to the subject case, as you requested at the hearing held on 2 September, 1987.

The developer - Mr. Benjamin Blum -, the present owner of Lot #10 - Mr. Harvey Litofsky -, and myself - owner of the property adjacent to Lot #10 -, all agree that the panhandle portion of Lot #10, which was created by the construction of the road, Michelle Way, at the time of the development of Annen Woods, is better annexed to my property.

During the construction of the roadway and the development of the lots, an unsightly scarred area resulted. Trees were removed and certain of the trees remaining have been damaged to the point they may have a short life.

If it is my understanding, from Mr. Litofsky, owner of Lot #10, that the developer will be making some restoration by grading and seeding. However, the trees need to be replaced. I would intend to plant white pine trees to provide quick growth and evergreen beauty for the benefit of all.

A plat of the entire development site has been furnished previously. Enclosed is a large scale plat of the panhandle strip in question, with general tree planting areas shown in green.

As brought out at the hearing, my property is outside the Annen Woods development and is not subject to the restrictions of the development. However, the property of the subject case is part of the development and therefore subject to the provisions and restrictions originally approved by the county.

Thank you for your courteous attention to this request.

Very truly yours,

Sewell Shuger

